

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

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)	
John W. Dixon)	
)	
Petitioner/Appellant,)	
)	
v.)	
)	
Billie Dixon,)	
)	
Respondent/Appellee.)	Supreme Court No. 20210070
)	
)	

Appeal from Order Allowing Trustee to Make Final Distribution and Allowing Termination of the Trust dated December 28, 2020,
Civil No. 08-2013-CV-02244,
County of Burleigh, South Central Judicial District,
The Honorable Daniel Borgen, District Judge, Presiding

APPELLANT’S OBJECTION TO MOTION TO DISMISS APPEAL

¶1.) Respondent/Appellant/Trustee Billie Dixon has moved the Supreme Court for dismissal of this appeal.

¶2.) Trustee Billie alleges cure by late delivery of so-called deficient accountings to Petitioner/Appellant/Beneficiary John W. Dixon after the notice of appeal was filed. John’s position is that the Trustee’s actions are too little, too late in breach, yet again, of her fiduciary duties after this Supreme Court ruled that John was entitled to the annual accountings which Billie has refused to produce for years, Dixon v. Dixon, 2018 ND 25, including the time after the opinion was issued. Second, Trustee Billie alleges the appeal is precluded by lack of R54(b) certification which is both a misstatement and a bridge too far on the facts of this case. The

district court signed Billie's own proposed order completely and finally concluding all issues in the case on December 28, 2020, attached hereto and incorporated by inference.

Conclusion

¶3.) Beneficiary John asserts that unlike the 42 pages of motion papers churned out by Trustee Billie, he has disposed of both points of Billie's motion to dismiss, and that the appeal should proceed.

Dated 28th day of April 2021.

/s/
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STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

John W. Dixon,

Petitioner,

v.

Billie Dixon,

Respondent.

Case No. 08-2013-CV-02244

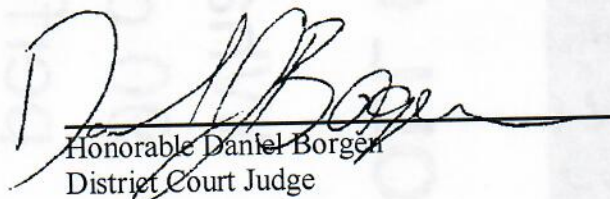
**ORDER ALLOWING TRUSTEE TO
MAKE FINAL DISTRIBUTION AND
ALLOWING TERMINATION OF
THE TRUST**

[¶ 1] This matter comes before the Court on the Petition for Order Allowing Trustee to Make Final Distribution and Allowing Termination of the Trust (the "Petition") submitted by Respondent Billie Dixon ("Billie"). Having considered the Petition, and being otherwise fully advised of the matter, the Court hereby **GRANTS** the Petition.

[¶ 2] The Court **ORDERS** that, within ninety days of the date of this Order, Billie shall pay the remaining bills and obligations of the Trust, Billie shall distribute the Trust's remaining assets in equal shares to and for the benefit of Billie, Petitioner John W. Dixon ("John"), and Dorothy S. Dixon ("Dotti"), according to the terms of the Shirley A. Dixon Trust agreement, as amended, and upon final payment of bills and final distribution of assets, Billie is in all things discharged from her duties as Trustee of the Trust and is discharged from further claim or demand of any interested person pertaining to the Trust and the trust may in all things be closed.

Signed: 12/28/2020 1:24:51 PM

BY THE COURT:


Honorable Daniel Borgén
District Court Judge

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

)	
)	
John W. Dixon)	
)	
Petitioner/Appellant,)	CERTIFICATE OF SERVICE
)	
v.)	
)	
Billie Dixon,)	
)	
Respondent/Appellee.)	Supreme Court No. 20210070
)	
)	

[¶ 1] A copy of the **APPELLANT’S OBJECTION TO MOTION TO DISMISS APPEAL** and **CERTIFICATE OF SERVICE** were served by email the 28th day of April 2021: Spencer Douglas Ptacek, sptacek@fredlaw.com and Petra Hulm, Clerk of Supreme Court, supclerkofcourt@ndcourts.gov.

/s/ _____
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